

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DONYA MITCHELL,

Plaintiff

v.

MICHAEL OVERBEY, et al.,

Defendants

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5:03-CV-157 (WDO)

ORDER

This matter is before the Court on Defendants' motions for attorney's fees and costs. Because Plaintiff filed a Notice of Appeal appealing the judgment entered in Defendants' favor, the Court is divested of jurisdiction over matters involved in the appeal. See Bowers v. Universal City Development Partners, Ltd., 2005 WL 1243745, No. 603CV985ORL18JGG (M.D. Fla. May 19, 2005) (citing Taylor v. Sterrett, 640 F.2d 663, 667-68 (5th Cir.1981); Silverthorne v. Laird, 460 F.2d 1175, 1178 (5th Cir.1972)). Defendants' motions for attorney's fees seek a review of the merits of Plaintiff's case and therefore of "matters involved in the appeal." Accordingly, Defendants' motions for attorney's fees are DENIED WITHOUT PREJUDICE with leave to refile within 30 days of judgment being entered by the court of appeals.

SO ORDERED this 4th day of October, 2005.

**S/Wilbur D. Owens, Jr.
WILBUR D. OWENS, JR.
UNITED STATES DISTRICT JUDGE**